

Judge Edmund V. Ludwig

Judge Ludwig was born in 1928. He received an A.B. in 1949 from Harvard College and an LL.B. in 1952 from Harvard Law School. Judge Ludwig was admitted to practice in Pennsylvania in 1953. He was a member of the Army Judge Advocate General's Corps from 1953 to 1956 and served in Korea. He was in private practice in Philadelphia from 1956 to 1959 and in Doylestown from 1959 to 1968. From 1968 to 1985, he was a Judge of the Court of Common Pleas of Bucks County. Judge Ludwig was appointed to the United States District Court for the Eastern District of Pennsylvania on October 17, 1985.

PRELIMINARY MATTERS

1. Correspondence with the Court

Correspondence on minor scheduling matters is permitted. Such correspondence should include all counsels' positions on the matter. Judge Ludwig also permits correspondence alerting him to discovery disputes. These often result in a telephone conference.

2. Communications with Law Clerks

Counsel may speak with his law clerks. Law clerks are not authorized to speak for the Court.

3. Telephone Conferences

Telephone conferences are a convenient method for handling scheduling conferences, settlement discussions, discovery disputes, and requests for extensions of time.

4. Oral Arguments and Evidentiary Hearings

Judge Ludwig does not set aside certain days or times for oral arguments or evidentiary hearings. Oral argument may be requested by counsel or the Court. In practice, it occurs infrequently.

5. *Pro Hac Vice* Admissions

A motion and payment of the filing fee for *pro hac vice* admissions are required. If opposing counsel have no objection, the motion may be informal. *Pro hac vice* admissions are not required in multi-district litigation panel actions.

6. Courtroom Practice

No hard-and-fast special restrictions on courtroom practice. A general SOP to that effect is given to counsel at trial.

7. Changes in Office Procedure

Judge Ludwig revises his office's scheduling procedures from time to time. His law clerks and Courtroom Deputy are available to discuss procedural questions with counsel.

CIVIL CASES

Pretrial Procedure

1. Pretrial Conferences

Judge Ludwig usually conducts a Rule 16 scheduling conference 60 to 90 days after an action, including arbitrations, is filed. Before the conference, he sends counsel a Scheduling Policy Statement. At the conference, he issues a Scheduling Order either fixing another Rule 16 conference after a two to three month discovery period or referring the case to a Magistrate Judge for a resolution conference. He conducts informal pretrial conferences and encourages counsel to request settlement and other conferences. He does not have a standard agenda for conferences.

Continuances and Extensions

1. General Policy

Judge Ludwig only grants continuances and extensions of briefing schedules, discovery deadlines, oral arguments, hearing dates and trial dates for cause. Hearing and trial dates ordinarily will not be continued because of discovery problems.

2. Requests for Extensions and Continuances

Requests for extensions or continuances should be made in writing and should include each counsel's position on the requested extension. Judge Ludwig will schedule a conference to discuss contested requests for continuances and extensions of time.

General Motion Practice

1. Oral Argument on Motions

Judge Ludwig will schedule oral argument if it appears likely to be helpful to the Court - and may hold oral argument on counsel's request. Each party is allocated 15 minutes unless more time is deemed necessary. A portion of time may be reserved for rebuttal. Each party submits a one-page summary of argument in a joint submission at least three days before the argument date.

2. Reply and Surreply Briefs

Upon request, Judge Ludwig permits reply briefs but allows only a short period of time for their submission. If counsel believe a sur-reply would be helpful to the Court, permission to file one may be requested in writing.

3. Chambers Copies of Motions Papers

Counsel should not submit a chambers' copy of motion papers or exhibits unless - as a result of a confidentiality agreement, redaction, or other circumstance - the document was not electronically filed.

Discovery Matters

1. Length of Discovery Period and Extensions

For most cases, Judge Ludwig allows a discovery period of 90 days to 120 days. He allows a longer period for complex cases, but then segments discovery into stages of 60 to 90 days, with scheduling conferences to follow. For each discovery phase, counsel may be asked to submit a Joint Discovery Schedule. The main purpose of the Joint Discovery Schedule is to reserve deposition dates well in advance. When a properly completed Joint Discovery Schedule is returned, Judge Ludwig will sign an order at the bottom approving the schedule and fixing the date of the next Rule 16 Conference. He expects counsel to take all steps necessary to enforce compliance with the discovery schedule.

2. Discovery Conferences and Dispute Resolution

Judge Ludwig does not regularly hold discovery conferences after the initial Rule 16 conference. He encourages the use of telephone conferences, in lieu of motion practice, to resolve discovery *disputes*. When a discovery *default* occurs, he encourages counsel to file a motion to compel, which he will grant forthwith under Local Civil Rule 26.1(g). When a discovery *dispute* occurs, and counsel have been unable to resolve it themselves or with Judge Ludwig's assistance by telephone, he has a special format for a motion to compel.

3. Confidentiality Agreements

Judge Ludwig deals with confidentiality agreements and stipulations on a case-by-case basis.

4. Expert Witnesses

Judge Ludwig requires that expert reports be exchanged on or before the dates set by the Scheduling Order. He does not have a special policy as to when the depositions of expert witnesses will be permitted, excepting that all trial depositions must be taken at least 10 days before trial unless Court approval is granted. He requests that expert witnesses be identified in a timely manner pursuant to properly propounded interrogatories.

Settlement

1. General Approach to Settlement

At an early and convenient point, Judge Ludwig will refer the parties to a Magistrate Judge for a resolution conference. If the parties agree, he will refer them for private mediation. In such cases, he requires written confirmation from counsel and their principals that they will exert all reasonable efforts to resolve the case through mediation. Cases referred for private mediation are typically placed in civil suspense pending the outcome of the mediation. When requested, Judge Ludwig may conduct settlement negotiations.

Arbitration

1. General Approach to Arbitration Cases

Judge Ludwig encourages counsel to keep pretrial practice as simple as possible. His Scheduling Order in arbitration cases designates the week of the arbitration - the specific date is fixed by an Arbitration Clerk in the Clerk's Office - and the date for plaintiff's counsel to report on settlement efforts. He does not permit an arbitration date to be continued without his approval.

2. Scheduling of Trial *De Novo* from Arbitration

Delay of *de novo* trials is generally not permitted. Such trials will be scheduled 30 to 60 days after demand for trial *de novo*. Judge Ludwig requires counsel to submit a proposed final pretrial stipulation at least 10 days before the scheduled trial date.

Proposed Final Joint Pretrial Stipulation

1. Required Form of Joint Pretrial Stipulation

Except in arbitration cases, Judge Ludwig requires that counsel submit a proposed joint final pretrial stipulation. The contents of the stipulation appear on the reverse side of his Scheduling Order. The intent is to simplify the requirements of Local Civil Rule 16.1(d)(2) by making the final pretrial submission commensurate with the needs of the case.

2. Common Deficiencies in Pretrial Memoranda

If the parties' proposed joint final pretrial stipulation is not submitted on time or counsel have not prepared their exhibits for trial, as required by Local Civil Rule 16.1(d)(2), the case is not ready to proceed. Sometimes counsel do not make a genuine attempt to agree on facts not in dispute. If counsel do not cooperate, they may end up submitting separate pretrial papers that violate the Scheduling Order, often necessitating another submission.

Injunctions

1. Scheduling and Expedited Discovery

Judge Ludwig's usual practice is to hold a conference before the issuance of a temporary restraining order or the scheduling of preliminary and permanent injunction hearings. If practicable, he will consolidate the preliminary and permanent injunction hearings. His practice is to hold a conference on contested requests for expedited discovery.

2. Proposed Findings of Fact and Conclusions of Law

Judge Ludwig requires that proposed findings of fact and conclusions of law be submitted at the start of an injunction hearing or nonjury trial.

Trial Procedure

1. Scheduling of Cases

Judge Ludwig schedules civil jury cases for a specific date. All cases must be ready for trial on the date scheduled. He does not use a "pool" system. A trial listing set after the date of his Scheduling Order will not be recognized.

2. Conflicts of Counsel

Counsel should immediately notify Judge Ludwig's Courtroom Deputy as to professional and personal conflicts affecting the trial schedule.

3. Cases Involving Out-of-Town Parties or Witnesses

Judge Ludwig does not have any special policies regarding the scheduling of out-of-town parties or witnesses.

4. Trial Briefs

Judge Ludwig encourages counsel to submit trial briefs.

5. Side Bars

Judge Ludwig allows side-bar conferences if they are necessary but often asks counsel to talk to each other informally first in an effort to resolve an objection or problem without a side-bar conference.

6. In Limine Motions

Judge Ludwig prefers that counsel submit *in limine* motions at least 10 days before the scheduled trial date as part of the final joint pretrial stipulation.

7. Examination of Witnesses out of Sequence

Witnesses may be taken out-of-turn for the convenience of the witnesses or the Court.

8. Opening Statements and Summations

Judge Ludwig does not have standard time limits for opening statements and summations, and he tries to tailor any time limits to the requirements of the case. He asks that counsel request specific amounts of time for such speeches.

9. Examination of Witnesses or Argument by More Than One Attorney

More than one attorney for a party may examine different witnesses or argue different points before the Court, so long as counsel notify Judge Ludwig before the start of trial of their desire to divide such examination or argument. Ordinarily, more than one attorney per witness or issue will not be permitted.

10. Examination of Witnesses beyond Redirect and Recross

Judge Ludwig does not have a general policy as to further examination of witnesses after redirect and recross but will usually sustain an objection to further examination if it exceeds the scope of the previous examination by opposing counsel.

11. Videotaped Testimony

When counsel intend to introduce videotaped testimony, Judge Ludwig encourages them to resolve - between themselves and well in advance of trial - any objections that were made or reserved when the videotaped testimony was taken.

12. Reading Material into the Record

Judge Ludwig has no special practice or procedure regarding the reading of stipulations, pleadings, or discovery material into the record.

13. Preparation of Exhibits

Judge Ludwig prefers that exhibits be pre-marked and pre-exchanged. Counsel should provide one set of trial exhibits for Judge Ludwig. Exhibits should be itemized in the Joint Pretrial Stipulation.

14. Offering Exhibits into Evidence

Judge Ludwig does not have a preference as to when counsel should offer exhibits into evidence during their case. He may refuse to consider an offer not made during counsel's case.

15. Motions for Judgment as a Matter of Law and Motions for Judgment on Partial Findings

Motions for judgment may be made either orally or in writing. Oral argument on such motions is usually permitted.

OTHER GENERAL MATTERS

Judge Ludwig likes to receive copies of appellate briefs when a decision of his is appealed.